In the High Court of Punjab and Haryana at Chandigarh.

FAO No.2493 of 2007
Date of decision:09.07.2007

National Insurance Company ...Appellant.

Versus

Labh Singh and others. ...Respondents.

CORAM: HON'BLE MR. JUSTICE PERMOD KOHLI.

Present: Mr. Karminder Singh,Advocate.

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PERMOD KOHLI, J. (ORAL).

This is an appeal preferred by the Insurance Company against the award dated 07.02.2007 passed by the M.A.C.T., Ludhiana, awarding an amount of Rs.89,800/- in favour of the claimant alongwith interest at the rate of 6.5% p.a. and costs of Rs.1000/-

The Insurance Company-appellant disputed the liability on the ground that the driver was not having a valid driving licence. Specific issue was framed in this regard, but no evidence was led by the Insurance Company, therefore, the same was decided against the appellant. Learned

counsel for the appellant submits that a criminal case is pending against the respondent-claimant on account of his rash and negligent driving and till the matter is decided, no liability can be suffered by the Insurance Company. The Insurance Company never sought any leave of the Court in terms of Section 170 of the Motor Vehicles Act, to contest the claim on merits. Hence, this defence is not available to the Insurance Company. There is no merit in the present appeal and the same is hereby dismissed.

(PERMOD KOHLI)
JUDGE

JULY 09, 2007
BLS